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WM. R. STANSBURY
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SUPREME COURT OF THE UNITED STATES

October Term, 1923

Original. No. [illegible]

THE STATE OF NEW MEXICO

v.

THE STATE OF COLORADO

Motion for leave to file Replication and Answer to Cross-Bill, Consent of Defendant and said Replication and Answer.

[illegible]
Special Counsel for Complainant.

IN THE SUPREME COURT OF THE UNITED STATES.

October Term, 1923.

Original, No. 25.

THE STATE OF NEW MEXICO

v.

THE STATE OF COLORADO.

MOTION.

Now comes the complainant by its special counsel, and moves the Court for leave to file its replication to the amended answer of defendant and its answer to the amended cross bill of defendant.

THE STATE OF NEW MEXICO
By Frank W. Clancy,
Its Special Counsel.

It is hereby stipulated and agreed by the State of Colorado that the complainant may have leave to file herein its replication to the amended answer of defendant, and its answer to the amended cross-bill of defendant, and the defendant acknowledges receipt of a copy of foregoing motion of complainant for leave to file said replication and answer, and waives any other or further notice of said motion and consents that the same may be submitted and granted without further delay.

THE STATE OF COLORADO
By Wayne C. Williams,
Its Attorney General
Charles Roach,
Deputy Attorney General
Oliver Dean,
Assistant Attorney General
Delph E. Carpenter,
Of Counsel for the State of Colorado.

IN THE SUPREME COURT OF THE UNITED STATES.

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The replication of said complainant to the Amended Answer of said defendant.

This repliant, saving and reserving to itself all and all manner of advantage of exception which may be had and taken, to the manifold errors, uncertainties and insufficiencies of the Amended Answer of the said defendant, for replication thereunto, saith that it doth and will aver, maintain and prove its said bill to be true, certain and sufficient in the law to be answered unto by said defendant, and that the Amended Answer of the said defendant is very uncertain, evasive and insufficient in the law to be replied unto by this replicant; without this, that any other matter or thing in the said Amended Answer contained material or effectual in the law, to be replied unto, and not herein and hereby well and sufficiently replied unto, confessed or avoided, traversed or denied, is true; all which matters and things this replicant is ready to aver, maintain and prove, as this honorable court shall direct, and humbly prays as in and by its said bill it hath already prayed.

THE STATE OF NEW MEXICO

By Frank W. Clancy,

Its Special Counsel.

The answer of the said complainant, the State of New Mexico, to the Amended Cross-bill of the said defendant the State of Colorado.

The said complainant, the State of New Mexico, hereby waives the issuance and service of any process to require it to appear and answer the said cross-bill, and now and at all times hereafter reserving all manner of benefit and advantage of exception to the many errors and insufficiences in said amended cross-bill contained for answer thereunto, or unto so much or such parts thereof as this complainant is advised is material for it to make answer unto; answers and says that it denies that the true boundary line between plaintiff and defendant is described in defendant's amended answer and denies that such true boundary is fully or correctly shown or delineated in the field notes or survey made in 1868 by Ehud N. Darling, or in the field notes or survey of John J. Major, or in the field notes or survey of Levi S. Preston, but it admits that Howard B. Carpenter in making his survey destroyed and obliterated some of the monuments and corners established by said Darling in making his said survey, as he, the said Carpenter, was instructed and ordered to do by the acting Commissioner of the General Land Office in the special instructions by said acting Commissioner given to said Carpenter under date of July 7, 1902; without this, that any other matter or thing in said amended cross-bill contained or charged, material for it to make answer to, and not herein sufficiently answered, avoided or denied, is true to the knowledge or belief of this complainant.

All which matters and things this complainant is ready to aver and prove as this court shall direct and prays that said amended cross-bill be dismissed.

THE STATE OF NEW MEXICO

By Frank W. Clancy,

Its Special Counsel